



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: April 22, 2005
Comment Deadline: May 20, 2005
Corps Action ID #: 200421182

MITIGATION PROPOSAL FOR THE PROPOSED FORD'S COLONY AT ROCKY MOUNT (Original public notice dated November 12, 2004)

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received the **mitigation plan** as a follow up to the application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Ford's Colony at Rocky Mount
One Ford's Colony Drive
Rocky Mount, NC 27809

AGENT (if applicable): Environmental Services, Inc.
Attn: Jeff Harbour
524 New Hope Road
Raleigh, NC 27610

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

Location

The project is approximately 1,175 acres in size and is located in the southwest quadrant of the intersection of SR 1524 (Battleboro Road) and U.S. Hwy. 301, in Rocky Mount, Nash County, North Carolina. Coordinates (in decimal degrees) for the site are 36.0273 ° North, -77.7883 ° West. The site contains tributaries of Beech Branch, and adjacent wetlands, in the Tar River Basin.

Existing Site Conditions

The current use of the project area (1,175 acres) is woodland, pasture, 9-acre pond and an 83-acre lake. The periphery of the property is existing agricultural land, with little evidence of any prior converted cropland. A large portion of the interior of the property consists of a mature upper coastal plain hardwood/pine forest along the inter-stream divides between the first and second order tributaries of Beech Branch. The remainder of the property is pond, lake, and alluvial forest found along the headwaters and flood plains associated with Beech Branch. Adjacent to the 1,175-acre tract, is the existing Belmont Farms subdivision, which will be incorporated into Ford's Colony at Rocky Mount (FCRM).

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to provide a residential golf community. A portion of the project has been designed as a retirement community, and will provide active retirement living for the retired community in the region.

Project Description

The following description of the work is taken from original public notice sent on November 12, 2005. It should be noted, the applicant has further reduced impacts to jurisdictional water of the United States by purchasing a 25-acre tract of land to the north of the original boundary of FCRM in order to reconfigure the proposed clubhouse, chipping green, and driving range. This redesign has reduced overall jurisdictional riparian wetland impacts by 0.53 acre and intermittent stream impacts by 384 linear feet from the original impacts for which the applicant applied. (Noted in the golf course wetland and stream impact section below)

The applicant was previously authorized on September 15, 1993, for a Department of the Army Permit to discharge fill into 1.14 acres of jurisdictional wetlands associated with development of the Belmont Farms subdivision. FCRM proposes to adjoin the existing Belmont Farms subdivision. Plans submitted with the application show the proposed placement of fill material into waters of the United States subject to our regulatory authority pursuant to Section 404 of the Clean Water Act. The proposed impacts are broken out as follows:

Original requested roadway wetland impacts: The roadway system designed for FCRM includes 32 jurisdiction crossings. The primary spine road serves as the main transportation corridor from which the other roads diverge to serve the residential areas, amenities, golf course, and club house (see attached plans). A total of 1.6 acres of riparian wetlands, 1.0 acre of non-riparian wetlands, and 0.19 acre of isolated wetlands will be impacted by road construction. Plans showing the work are included with the Public Notice.

Original requested roadway stream impacts: A total of 1,018 linear feet of stream channel will be affected as a result of the 32 road crossings associated with the FCRM project. Approximately, 50 linear feet of perennial stream channel and 0.05 acre of open surface water will be completely spanned through bridging and no direct in-stream/open water impacts will result. Approximately, 348 linear feet of perennial stream and 620 linear feet of intermittent stream channel that exhibits important aquatic function will be impacted by road construction. Plans showing the work are included with the Public Notice. Note: All intermittent streams have been deemed important.

Current proposed roadway wetland and stream impacts: Due to the reconfiguration of the clubhouse, chipping green, and driving range, additional road crossings were needed to access these areas property to the north development. The new impacts are depicted on attached plans as road crossings 34, 35, 36, and 37. There are however, 36 road crossings due to the elimination of road crossing 7. These new impacts account for 0.026 acre of wetland fill and 181 linear feet of non-buffered stream impact.

Golf course wetland impacts: Wetland impacts associated with golf course consist of fill, land clearing, and stump removal. A total of 1.12 acres of riparian wetlands and 1.21 acres of non-riparian wetlands will be filled for golf course construction. Approximately 0.68 acres of wetlands will be cleared and the stumps removed. 0.85 acres will be cleared with the rootmat and stumps left undisturbed. The areas that are cleared will be allowed to re-vegetate with low-growing wetland vegetation that may be routinely maintained by hand clearing to keep it at the proper height for golfing. Plans showing the work are included with the Public Notice.

Golf course stream impacts: A total of 717 linear feet of stream channel will be affected as a result of the golf course and practice range at FCRM. Approximately, 82 linear feet of perennial stream and 20 linear feet of intermittent stream channel will be spanned through cart path bridging and no direct in-stream impacts will result. Approximately, 50 linear feet of perennial stream and 565 linear feet of intermittent stream channel will filled for golf course and driving range construction. Plans showing the work are included with the Public Notice. Note: All intermittent streams have been deemed important.

Current proposed golf course wetland and stream impacts: The applicant has further reduced impacts to jurisdictional waters of the United States by purchasing a tract of land to the north of the original boundary of FCRM in order to reconfigure the proposed clubhouse, chipping green, and driving range. This redesign has reduced overall jurisdictional riparian wetland impacts by 0.53 acre and intermittent stream impacts by 384 linear feet from the original impacts for which the applicant applied.

Sewer line wetland & stream impacts: Approximately 0.25 acre of wetland will be temporarily impacted via clearing, excavation, and returned to grade associated with sewer line installation. Approximately 60 linear feet of perennial stream channel will be temporarily impacted via clearing, excavation, and returned to grade associated with sewer line installation.

There is currently no lot fill associated with this proposal. The applicant proposes to place any remaining lots with wetlands into open space for community use.

MITIGATION PROPOSAL

(See attached supplementary document provided by the applicant)

Financial Assurances

(See attached copy of letter to the applicant)

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by May 13, 2005.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or will be affected by the proposed work. The property, known as the Hart Farm, contains a listed structure and is located on a parcel adjacent to the proposed development. Impacts to the property may include potential disturbance to the visual aesthetics of the site.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, **May 20, 2005**. Comments should be submitted to Jean Manuele, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.